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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
27373/38132

First named inventor: Radoje T. Drmanac

Application No: 10/068,301

Art Unit: 1637

Filed: February 5, 2002

Examiner: J. Siew

Title: METHODS AND COMPOSITIONS FOR EFFICIENT NUCLEIC ACID SEQUENCING

**MS Petition**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

 Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)).  
See 37 CFR 1.27. Other than small entity – fee \$ 1330.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply): has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

## B. The issue fee of and publication fee (if required) \$ \_\_\_\_\_

 has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_  
or \$ \_\_\_\_\_ for other than a small entity)

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

September 10, 2004

Date

Signature

Telephone  
Number: (312) 474-6300Nabeela R. McMillian - 43,363

Typed or printed name

MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357AddressEnclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Remarks with Petition to Revive

Page 2 of 2

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 10, 2004

Signature:

(Nabeela R. McMillian)



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Dated: September 10, 2004

Signature:

(Nabeela R. McMillian)

Docket No.: 27373/38132  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Radoje T. Drmanac

Application No.: 10/068,301

Filed: February 5, 2002

Art Unit: 1637

For: METHODS AND COMPOSITIONS FOR  
EFFICIENT NUCLEIC ACID SEQUENCING

Examiner: J. Siew

### REMARKS WITH PETITION TO REVIVE

#### **MS Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith is a petition to revive under 37 C.F.R. 1.137(b). This petition is being submitted to revive the above-referenced application due to the fact that the advisory action dated August 2, 2004 was received after the expiration of the six-month period for response to the final office action dated December 29, 2003. Applicants provide the following facts to clarify the record.

The applicants timely filed a response to the final office action on May 28, 2004 with a petition for a two-month extension of time (copy of first and eleventh pages of office action attached as appendix A). As noted on pages 1 and 11 of that response, Applicants believed they were enclosing a Notice of Appeal and the requisite fee for the Notice of Appeal. However, applicants inadvertently omitted the Notice of Appeal and the fee from the materials transmitted on May 28, 2004. Applicants did, however, authorize deduction of additional necessary fees in the aforementioned response.

Upon further investigation, Applicants have determined that the fees for the Notice of Appeal were not deducted from the Applicants account and therefore may have

caused the application to be abandoned as of May 29, 2004. As such, in order to rectify the situation, Applicants are submitting the attached petition to revive.

Dated: September 10, 2004

Respectfully submitted,

By 

Nabeela R. McMillian

Registration No.: 43,363

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant